

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, October 4, 2005  
Tuesday, 9:09 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Sister Mary Shonecker, The Adorers of the Blood of Christ, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the September 20, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamations

Proclamations.

Mayor Mayans

Mayor Mayans read aloud the following Proclamations:

“Fire Prevention Week”

“The Year of the Languages”

“Vioneering Wichita Vision Partner Month.”

George Kolb

City Manager stated that the City is here in support of Vioneering Wichita and would like to emphasize that this month is a good month to remember what we have done in terms of bringing forward a vision for Wichita and the many strategies that are out there to participate in to help make Wichita the quality place that you want it to be. Stated that in being partners with Vioneering Wichita, this month they will be announcing an initiate, called Transforming Wichita, which they consider to be a journey to excellence that will result in an outcome of better service and value to our customers, citizens and community with the end goal of improving our quality of life and showing value for the services that are paid for. Stated that they believe that the strategies that are outlined in Vioneering Wichita are incorporated in Transforming Wichita and that it will outline outcomes and goals and objectives that are compatible with Vioneering Wichita.

Presentation

Presentation by Newman Washington, Mid-America All-Indian Center Board Chairman

Newman Washington

Mr. Washington stated that he is the acting Chairman of the Mid-America All-Indian Center (MAAIC) and that on behalf of MAAIC board of trustees, thanked the Mayor and City Council Members for their commitment and dedication to the MAAIC. Stated that it is due to the City's generosity and understanding of the importance of arts and culture in the Native American heritage, which has been made apparent by not only the City's financial commitment but also by the continued support from the City to the MAAIC. Stated that because of this support, the MAAIC is once again serving the public through community activities, school tours and fostering the appreciation and understanding of our Native American heritage. Stated that today they have the financial ability to present a check to the City of Wichita, with the blessing of an anonymous donor, who donated \$100,000.00 and with the combined profits of from their membership drives and fund raising efforts, he is here today to present a check in the amount of \$112,000.00.

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Presentation

Cheney Reservoir Final Payment.

Mayor Mayans

Mayor Mayans stated that today we celebrate the fact that the City of Wichita has made the 40<sup>th</sup> and final payment to the Bureau of Reclamation for its share of the cost of construction for Cheney Reservoir. Stated in November of 1956 the voters in the City of Wichita approved the Cheney Reservoir Project with the support of 63% of the voters. Stated that the bill authorizing the project, was submitted to congress on September 1, 1960 and on the last day of the congressional session the project was approved by congress. Stated that the contract for the project was for \$18,274,000.00 with the City agreeing to pay \$7,333,000.00 and the initial payment would start at \$192,500.00 and increasing annually over the 40 year period and because of favorable interest rates and lower than anticipated construction costs, the final payment was only \$285,095.40. In addition to building the reservoir, the City also established a project to construct the pump station and the pipeline. Stated that these components were estimated to costs the City an additional \$7,650,000.00. Stated that the groundbreaking ceremony for the reservoir occurred on May 29, 1963 and construction was completed in May 1965. The dedication ceremony was held on May 29, 1965, which was attended by over 5,000 people. Stated on June 28, 1965, the pump station and pipeline were put into service and Cheney Reservoir began providing water to the City of Wichita and at that time the pump station had a capacity of 60 million gallons per day, which was delivered through 21 miles of new 60" diameter pipeline and on October 1, 1965, Mr. L. W. Hill, regional director of the Bureau of Reclamation, turned over the operation of the Cheney Dam and Reservoir to the City of Wichita. Stated that Cheney Reservoir is a vital component of the City's water supply and currently supplies 60 to 70% of the water that the City uses. In addition to providing the City with a water supply, Cheney Reservoir also serves as a major recreational facility and the state park averages about half a million visitors each year. Stated that we are very fortunate that the City leaders and voters took the initiative to develop this great water resource. Without their hard work and dedication, the City would not have the benefits of a sustainable water supply that has been vital in meeting the needs of a growing community for the past 40 years and which will continue to be a vital component of the City's water supply for many years to come.

## CONSENT AGENDA

Motion--  
--carried

Mayans moved to approve Consent Agenda Items 1 through 18e as presented. Motion carried 7 to 0.

**BOARD OF BIDS**

## REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 26, 2005 AND OCTOBER 3, 2005.

Bids were opened September 23 and September 30, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2005 Contract Maintenance Concrete Repairs Drainage Hot Spots - north of 32nd Street South, west of Edgemoor. (472-84166/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, IV, VI)

Barkley Construction - \$99,800.00 (Engineer's estimate)

Castle Rock from the south line of Lot 3, Block C, Krug North Addition north to the south line of Lot 14, Block C, Krug North 2nd Addition; Burning Tree from the north line of Lot 16, Block A, Krug North Addition to Castle Rock; Ayesbury and Camden Chase Court including the cul-de-sac; Camden Chase from the west line of the plat to Ayesbury; pavement on Ayesbury Circle from the east line of Castle Rock to and including the cul-de-sac; Sidewalk along one side of Castle Rock, Burning Tree, Camden Chase, and Ayesbury to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (472-83974/765941/490054) Does not affect existing traffic. (District II)

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Kansas Paving Company - \$372,671.30

Water Distribution System to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (448-89913/735267/470938) Does not affect existing traffic. (District V)

WBW Contractors - \$20,906.00

Lateral 3, Main 11 Four Mile Creek Sewer to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83402/744135/480823) Traffic to be maintained during construction by using flagpersons and barricades. (District II)

Utility Contractors - \$278,842.00

Parking Lot at Park Maintenance Facility at 1245 South McLean - west of McLean, south of Harry. (472-84197/785048/395180) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Kansas Paving Company - \$341,548.50

2005 Sanitary Sewer Reconstruction (Planeview), Phase 10 - south of Pawnee, east of Hillside. (468-83890/622241/644349) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$66,000.00

2005 Sanitary Sewer Rehabilitation, Phase E - various locations between 29th Street North and MacArthur and between Maize and Woodlawn. (468-84070/620443 /665563) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV,V,VI)

Utility Maintenance Contractors LLC - \$230,449.00

Pagent Street Drainage Improvements to serve Rockwood 6th Addition - south of Central, west of Rock Road. (468-84075/660498/854108) Traffic to be maintained during construction using flagpersons and barricades. (District II)

WB Carter Construction - \$123,100.00

Stormwater Drain #253 to serve Southern Ridge 3rd Addition - south of Pawnee, west of Maize. (468-83968/751406/485297) Does not affect existing traffic. District V)

Duling Construction - \$468,178.55

Water Distribution System to serve Northridge Plaza Addition - north of 37th Street North, west of Ridge Road. (448-89696/735270/470941) Does not affect existing traffic. (District V)

Dondlinger & Sons - \$159,578.00

Water Distribution System to serve North Ridge Village Addition (north of 37th Street North, west of Ridge. (448-90061/735257/470928) Does not affect existing traffic. (District V)

Nowak Construction - \$71,510.01

Motion--

--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signatures be authorized. Motion carried 7 to 0.

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VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Concrete Requirements.

CMC Concrete Materials Co. - \$160,275.00\*

\*Estimate – Contract approved on unit cost basis.

POLICE DEPARTMENT/SUPPORT SERVICES DIVISION: Tasers.

Ed Roehr Radio Safety Products - \$296,706.70\* (Group 1 total net bid)

\*Estimate – Contract approved on unit cost basis.

INFORMATION TECHNOLOGY (IT/IS)DEPARTMENT/OPERATIONS DIVISION: End of Quarter Server Purchases/RQ501949.

Dell Marketing\* - \$113,435.24 (WSCA Contract Pricing 92-00151 Contract Number: 01530)

\*Purchases utilizing Government Entities Contracts, Cooperative

Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Celebration Plaza Fountain Enhancements.

Hahner Foreman & Harness Inc. - \$104,630.00 (Group 1 total base bid)

\$25,564.00 (Group 1 Alternate A)

\$130,194.00 Total

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

## APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Dennis H. Grady Jo Lynn Blood	Wichita Canteen Company, Inc.* Pine Bay Golf Course, Inc.*	1845 Fairmount 6615 West Grove
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Doug Wald	Presto Convenience Stores LLC	2190 North Rock Road
Doug Wald	Presto Convenience Stores LLC	1350 North Oliver
Doug Wald	Presto Convenience Stores LLC	3311 North Rock Road
Doug Wald	Presto Convenience Stores LLC	2356 South Seneca
Doug Wald	Presto Convenience Stores LLC	515 North Seneca
Doug Wald	Presto Convenience Stores LLC	4821 South Broadway
Doug Wald	Presto Convenience Stores LLC	7236 West 21st Street
Doug Wald	Presto Convenience Stores LLC	2001 South Oliver
Doug Wald	Presto Convenience Stores LLC	7990 East Central
Doug Wald	Presto Convenience Stores LLC	1254 South Tyler
Doug Wald	Presto Convenience Stores LLC	4414 West Maple
Doug Wald	Presto Convenience Stores LLC	7136 West Central
Doug Wald	Presto Convenience Stores LLC	1250 South Rock Road

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<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Kulwinder Jaswal	Petro America	223 East 21st Street
Thuan Thi Ngo	CT Happy Store 2	8008 East 21st Street

<u>Special Event</u>	<u>October 22 and 23, 2005</u>
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Delfino Morillon	Lienso Charrio Santa Rosa	2200 North Broadway
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a) Water Distribution System to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (448-90103/735271/470942) Does not affect existing traffic. (District V) - \$134,000
- b) Lateral 24, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (468-84063/744141/480839) Does not affect existing traffic. (District V) - \$386,000
- c) Kellogg & Rock Road, Part 8: Eastern Bridge; Construction of Kellogg Freeway from east of Heather Street to west of Cypress Street - Kellogg & Eastern. (472-84254/702345/ 401360) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$11,500,000
- d) 2005 Contract Maintenance Concrete Repairs Drainage Hot Spots - north of 32nd Street South, west of Edgemoor. (472-84166/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, IV, VI) - \$100,000
- e) Castle Rock from the south line of Lot 3, Block C, Krug North Addition north to the south line of Lot 14, Block C, Krug North 2nd Addition; Burning Tree from the north line of Lot 16, Block A, Krug North Addition to Castle Rock; Ayesbury and Camden Chase Court including the cul-de-sac; Camden Chase from the west line of the plat to Ayesbury; pavement on Ayesbury Circle from the east line of Castle Rock to and including the cul-de-sac; Sidewalk along one side of Castle Rock, Burning Tree, Camden Chase, and Ayesbury to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (472-83974/765941 /490054) Does not affect existing traffic. (District II) - \$565,000
- f) Water Distribution System to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (448-89913/735267/470938) Does not affect existing traffic. (District V) - \$42,000
- g) Lateral 3, Main 11 Four Mile Creek Sewer to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83402/744135/480823) Traffic to be maintained during construction by using flagpersons and barricades. (District II) - \$461,150

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

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## PETITIONS FOR PUBLIC IMPROVEMENTS:

### 37<sup>TH</sup> ST. NORTH

#### PAVE 37TH STREET NORTH, FROM MAIZE TO MANCHESTER. (DISTRICT V)

Agenda Report No. 05-0869

On July 12, 2005, the City Council approved a Petition to pave 37th Street North, from Maize to Manchester. Based on recent bid prices, it is doubtful that a construction contract can be awarded within the budget set by the Petition. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will provide paved access to a new residential development located north of 37th Street North, west of Maize.

The existing Petition totals \$56,000. The new Petition totals \$81,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

#### RESOLUTION NO. 05-480

Resolution of findings of advisability and Resolution authorizing constructing asphalt mat paving improvements on 37<sup>th</sup> street North from Maize Road to a point 1300 feet west of Maize Road (north of 37<sup>th</sup> Street North, west of Maize 472-84044, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### KRUG ADDITIONS

#### PAVE STREETS IN KRUG NORTH AND KRUG NORTH SECOND ADDITIONS, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-0870

On August 2, 2005, the City Council approved a Petition to pave streets in Krug North and Krug North 2nd Additions. Based on recent bid prices, it is doubtful that a construction contract can be awarded within the budget set by the Petition. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will provide paved access to a new residential development located north of 21st, west of 143rd St. East.

The existing Petition totals \$495,000. The new Petition totals \$565,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

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## RESOLUTION NO. 05-481

Resolution of findings of advisability and Resolution authorizing construction pavement on Castle Rock from the south line of Lot 3, Block C, Krug North Addition North to the south line of Lot 14, Block C, Krug North 2nd Addition; on Burning Tree from the north line of Lot 16, Block A, Krug North Addition to Castle Rock; on Ayesbury and Camden Chase Court including the cul-de-sac; on Camden Chase from the west line of the plat to Ayesbury and that there be constructed pavement on Ayesbury Cir. from the east line of Castle Rock to and including the cul-de-sac and that sidewalk be constructed along one side of Castle Rock, Burning Tree, Camden Chase, and Ayesbury (north of 21st, west of 143rd Street. East) 472-83974 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## **COPPER GATE N. ADD. CONSTRUCT STORM WATER DRAINS IN COPPER GATE NORTH ADDITION, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)**

Agenda Report No. 05-0871

On October 12, 2004, the City Council approved a Petition to construct a storm water drain to serve Copper Gate North Addition. The developer has submitted new Petitions that split the original project into two phases to conform to the current home sales rate. The signature on the new Petitions represents 100% of the improvement districts.

The projects will serve a new residential development located north of 13th, west of 135th St. West.

The project budgets total \$245,000 with the total paid by special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO 05-482

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 241 (north of 13<sup>th</sup> Street, west of 135<sup>th</sup> Street West, 468-83908, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO 05-483

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 277, Copper Gate North Addition (north of 13<sup>th</sup> Street, west of 135<sup>th</sup> Street West, 468-84079, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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135<sup>TH</sup> ST. WEST

## CONSTRUCT A SANITARY SEWER MAIN TO SERVE AN AREA ALONG 135TH STREET WEST, BETWEEN CENTRAL AND 21ST STREET. (DISTRICT V)

Agenda Report No. 05-0872

The Petition has been signed by two owners representing 100% of the improvement district.

The project will provide sanitary sewer main service to a developing residential corridor along 135th St. West, between Central and 21st Street.

The Petition totals \$3,600,000, with \$3,321,000 paid by the Sewer Utility and \$279,000 assessed to the improvement district. City Council policy provides that sanitary sewer mains are funded 50% by the Sewer Utility and 50% by special assessments. However, much of the service area for this project is currently outside the City limits and cannot be assessed at this time. Sewer Main Benefit fees will be assessed to the area as it develops and will recover a large part of the Utility's share the project cost.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--

Mayans moved that the Petition be approved; the authorizing Resolution and the Resolution authorizing revenue bonds adopted; the notice of intent to issue revenue bonds approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

### RESOLUTION NO 05-484

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operate by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$3.321 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### RESOLUTION NO. 05-485

Resolution of findings of advisability and Resolution authorizing construction of main 4, Northwest Interceptor Sewer (south of 21<sup>st</sup> Street, east of 151<sup>st</sup> Street West) 468-83889, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.



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## FOX RIDGE ADD.

### **PAVING IMPROVEMENTS IN FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH, WEST OF TYLER. (DISTRICT V)**

Agenda Report No. 05-0873

The Petitions have been signed by three owners, representing 100% of the improvement districts.

The projects will provide paving improvements in a new residential development located north of 29th St. North, west of Tyler.

The Petitions totals \$537,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

#### RESOLUTION NO. 05-486

Resolution of findings of advisability and Resolution authorizing constructing pavement on Westlakes Parkway from the west line of Lot 101, Block 1, to the west line of Lot 146, Block 1; with construction of a sidewalk on the north side (north of 29<sup>th</sup> Street North, west of Tyler) 472-84277, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

#### RESOLUTION NO. 05-487

Resolution of findings of advisability and Resolution authorizing constructing pavement on Westlakes Parkway from the west line of Lot 45, Block 1, to the west line of Lot 101, Block 1, with construction of a sidewalk on the north side (north of 29<sup>th</sup> Street North, west of Tyler) 472-84279,6 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## FALCON FALLS

### **CONSTRUCT PAVING AND WATER IMPROVEMENTS FOR FALCON FALLS SECOND ADDITION, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)**

Agenda Report No. 05-0874

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide paving and water improvements to a new residential development located north of 45th St. North, west of Hillside.

The Petition totals \$1,957,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

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## RESOLUTION NO. 05-488

Resolution of findings of advisability and Resolution authorizing construction of water Distribution System Number 448-90107 (north of 45<sup>th</sup> Street North, west of Hillside) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 05-489

Resolution of findings of advisability and Resolution authorizing construction of water Distribution System Number 448-90108 (north of 45<sup>th</sup> Street North, west of Hillside) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 05-490

Resolution of findings of advisability and Resolution authorizing construction of water Distribution System Number 448-90109 (north of 45<sup>th</sup> Street North, west of Hillside) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 05-491

Resolution of findings of advisability and resolution authorizing constructing pavement on Marblefalls from the south line of Lot 38, Block C, south to the southeast line of Lot 19, Block A, on Lanners from the west line of Marblefalls, west to the east line of Saker, and on Saker from the north line of Lanners, south to the south line of Lot 32, Block E and on Saker Cir. from the north line of Saker, north to and including the cul-de-sac and that sidewalk be constructed on Marblefalls, Lanners and Saker (north of 45th St. North, west of Hillside) 472-84265 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 05-492

Resolution of findings of advisability and Resolution authorizing constructing pavement on Marblefalls from the southeast line of Lot 19, Block A, south to and including the Roundabout, and on Mantane from the east side of the Roundabout, east to the east line of the plat and on Marblefalls ct., from the west line of Marblefalls, west to and including the cul-de-sac and that sidewalk be constructed on Marblefalls and Mantane (north of 45th Street North, west of Hillside) 472-84266 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-493

Resolution of findings of advisability and Resolution authorizing constructing pavement on Saker from the south line of Lot 5, Block C, south to the north line of Thunder, on Thunder from the west line of the Plat, east to the west line of Saker, on Thunder and Thunder cir. from the east line of Saker, east to and including the cul-de-sac, and on 48th St. North from the south line of Thunder, to the west line of Marblefalls and that sidewalk be constructed on Thunder, Saker, and 48th St. North (north of 45th St. North, west of Hillside (472-84267) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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## RESOLUTION NO. 05-494

Resolution of findings of advisability and Resolution authorizing constructing a left turn lane along 345<sup>th</sup> street North from Hillside Avenue to the west line of the Falcon Falls Development, to serve the residential and commercial portions of the Falcon Falls Development (north of 45<sup>th</sup> Street North., west of Hillside (472-84268) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## **STREET CLOSURES      CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 05-0905

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

AMENDED 26th Annual KAKE-TV/Wichita Marathon – Sunday, October 16

One-lane closings:

- § South lane of 31st from McConnell AFB to Oliver – 9:30 am -12:30 p.m.
- § Far west lane of Oliver from 31st to George Washington Blvd.- 9:30 a.m. -12:30 p.m.
- § SW lane of George Washington Blvd from Oliver to Mt. Vernon – 9:30 a.m.-12:45 p.m.
- § Far south lane of Mr. Vernon from George Washington Blvd to Linwood Park  
9:45 a.m. – 1:15 p.m.
- § Far south lane of Douglas from I-135 to Mead – 9:45 a.m. – 2:00 p.m.

Addition All lanes closings:

- § Mead from Douglas to Second Street – 9:45 a.m. – 2:00 p.m.
- § Second from Mead to parking garage exit located to the west of Farm & Art Market Plaza -  
9:45 a.m. – 2:00 p.m.

Annual Frostbite Regatta - Sunday, November 6, 6:30 a.m.-5:30 p.m.

- § South Nims Street Bridge from south traffic circle south in Riverside Park, south to Central Street

Police security is arranged to remove street barricades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

--carried

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## **STREET CLOSURES     CONSIDERTION OF STREET CLOSURES/USES.**

Agenda Report No. 05-0906

Cornejo & Sons, Inc. has contracted to reconstruct Meridian between Pawnee and 31st St. South. Work began June 7, 2005 and the contractor will soon be pouring the concrete pavement in the east half of the new street. Because it is necessary to deliver and pour the new concrete from the existing traffic lanes, it will be necessary to close this section of Meridian during the concrete pour. The contractor is requesting approval of the tentative closure of Meridian between 31st St. South and Pawnee Friday October 7th from approximately 3:00 am. until approximately midnight. If the weather does not cooperate with the scheduled concrete pour, the contractor will attempt to accomplish the work on the following day until they are successful.

Cornejo and Sons, Inc. are responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During this short term closure Meridian traffic will be detoured using Seneca, Pawnee and 31st St. South. During the concrete pour 27th St. South will remain open across Meridian to allow movement of east-west traffic.

Motion--carried     Mayans moved that the street closure be approved. Motion carried 7 to 0.

## **CLAIMS     REPORT ON CLAIMS ALLOWED FOR 2005:**

<u>Name of Claimant</u>	<u>Amount</u>
Brueggemann, Pat	\$243.42**
Dunn, Barry	\$395.66
Harding, Shirley	\$250.00**
Susan's, Inc. (c/o Allied Insurance)	\$52.65

\*\* Settled for lesser amount than claimed.

Motion--carried     Mayans moved that the file be received. Motion carried 7 to 0.

## **EASEMENT ENCR.     EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT II)**

Agenda Report No. 05-0875

The Agreement allows Thomas D. White to occupy and construct, improvements on, over, and across a platted 8 foot utility easement described as the south 8-feet of Lot 1, Block 4, Second Addition to Vickorage, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is in-ground swimming pool equipment in above said easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

The Law Department has reviewed the Easement Encroachment Agreement and approved it as to form.

Motion--  
--carried     Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## WELLFIELD

### REPLACE POWER SERVICE IN THE WELLFIELD.

Agenda Report No. 05-0876

The City owns and operates over 44 miles of overhead power lines that provide electrical service to the water supply wells in the Equus Beds. A Supplemental Agreement was approved with Burns & McDonnell Engineering on June 28, 2005, to design improvements to the electrical supply system that will be constructed as part of Phase I of the Aquifer Storage and Recovery Project.

The City connects to Westar Energy at two locations in the wellfield, but the overhead electrical distribution system that transmits power to the water supply wells in the wellfield is owned and operated by the City. The electrical supply system that serves the City's wellfield was designed and built to a higher standard than normally used in rural areas. The higher standard of the system increases the reliability of the electrical system, thus increasing the reliability of the supply wells.

During the ice storm that occurred January of 2005, several weaknesses were found in the connections from Westar to the City's electrical system. The intent of the work in these Agreements is to remedy this. Proposed improvements include upgrading approximately five miles of overhead power lines, new transformers, and equipment that will facilitate the use of emergency generators to power some of the wells.

The three Agreements set forth the legal structure for the City to replace a portion of Westar's electrical system where the City connects to Westar. The City will hire a contractor to install approximately two miles of new, higher grade power line, and remove approximately two and one-half miles of existing power line, plus other improvement to the connection sites.

Construction of the electrical improvements is estimated to cost approximately \$740,000 and will be included as part of the Phase I ASR project. The project is funded from CIP W-549, Water Supply Plan Phase III, which has available funding of over \$7.6 million.

The Law Department has approved the Agreements as to form.

Motion--  
--carried

Mayans moved that the Agreements with Westar be approved and the necessary signatures authorized. carried 7 to 0.

## COST SHARING

### COST SHARING AGREEMENT FOR IMPROVEMENTS TO INTERACTIVE FOUNTAIN IN RIVERSIDE PARK. (DISTRICT VI)

Agenda Report No. 05-0877

On February 4, 2003, the City Council approved increasing the budget for improvements to Riverside Park from \$5,000,000 to \$5,450,000 and awarding the contract (excluding street work) to Robl Construction, Inc. That contract has been completed with minor exceptions that are being resolved.

An element of the architect's design was a large interactive fountain in Celebration Plaza. Completed in the spring of 2004, the fountain included a water storage reservoir under the plaza of 350 gallons and vaults that were installed in the ground nearby containing the pumps, filters, controls, etc. When operated as designed during the summer of 2004, the fountain was unable to maintain proper water sanitation levels, so extraordinary measures were taken by Public Works personnel to operate the fountain safely. It was determined that the primary problem with the fountain was it's having an inadequate water storage capacity for maintaining safe and stable chlorine levels. The fountain has not been operated in 2005.

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## Analysis:

The Riverside Park fountain was designed by Roman Fountains, a subcontractor to Wilson Darnell Mann, architects of record for the project. Utilizing large interactive fountains for public recreation in lieu of swimming pools is a relatively new concept, and the City did not have a code governing interactive fountains at the time the fountain was designed. The City's position was to trust in the knowledge and experience of the fountain designers, as this company has previously designed many such fountains across the country. While operating the fountain in 2004, water quality and safety issues arose. As a result of our investigation, it was learned that a code developed in California for interactive fountains was becoming the model for the industry, and under that code, the minimum water storage reservoir would have been 4,000 gallons. The Department of Environmental Services has since developed a similar code, which Council adopted on May 10, 2005, as Ordinance 46-592.

The City's position has been that the fountain designers should have been aware of the importance of the water quality issues and designed the Riverside Park fountain accordingly. It was agreed through negotiation that the water storage, pumping, filtering and sanitation portions of the fountain design were improper and that corrections must be made to the fountain for it to comply with the model code and the new City Ordinance 46-592. It was further agreed that the architectural team would be financially liable for all corrections to bring the fountain into compliance above and beyond what it would have cost the City to construct the fountain properly under the original construction contract.

A design was developed to construct a 4,000-gallon water storage tank near the fountain with additional pumping, filtering and sanitation equipment that tied into the existing piping systems. This was done to avoid disrupting the existing fountain deck paving, lighting, etc., and to control costs. The design was bid with cost breakdowns so that the City could be credited for money spent in the original design for components that were no longer functional. Also a 7.04% credit was given to the City for the impact of inflation on the cost of new construction versus what it would have cost if the work had been bid in January 2003, as part of the original project. The low bid received for this portion of the work was submitted by Hahner Foreman Harness for a total of \$104,830. Based on the concept of the City only paying for added value, but not for replacement cost or inflation, this total is divided as follows:

City of Wichita:	\$86,986.10
Wilson Darnell Mann:	\$17,843.90

A proven fact with interactive water fountains is that the larger the volume of water being treated, the easier it is to maintain safe sanitation levels. Also, the greater the volume of water that is being sprayed into the air, the more difficult it is to maintain safe sanitation levels. Based on the unique design of the Riverside Park fountain and the experience gained in working with it in 2004, Building Services is recommending that a 12,000-gallon water storage tank be constructed in lieu of the minimum 4,000-gallon tank specified in Ordinance 46-592. The cost of enlarging the 4,000-gallon capacity to 12,000 gallons would be the total responsibility of the City, but no changes to piping or other equipment would be required. This was bid as Alternate No. 1.

City of Wichita: + \$24,728.00 (Alternate No. 1)

It is recommended through the Board of Bids that the City contract with Hahner Forman Harness, Inc., General Contractors, for the Base Bid plus Alternate No. 1 totaling \$129,558. Contingent upon Council approving the contract with Hahner Forman Harness, it is recommended that the City enter into an Agreement with Wilson Darnell Mann, whereby the City would be responsible for \$111,714.10 of the total contract and Wilson Darnell Mann would be responsible for \$17,843.90.

This Contract will be funded from the project budget. (Project No. 390148, OCA No. 785016) The unencumbered balance is \$422,251.66.

The Law Department has been involved in the negotiation of this recommended settlement and has approved the Agreement as to form.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## **HILLSIDE BRIDGE     HILLSIDE BRIDGE AT RANGE ROAD. – SUPPLEMENTAL. (DISTRICT VI)**

Agenda Report No. 05-0878

The 2004 Capital Improvement Program includes funding for improving Hillside Bridge at Range Road. The Staff Screening & Selection Committee selected Cook, Flatt & Strobel Engineers, P.A. (CF&S) for the design on April 1 & 2, 2004. On May 4, 2004, the City entered into an Agreement with CF&S for designing the Hillside Bridge for a fee of \$36,700.

The Water Department has asked CF&S to design plans for the replacement of a section of 12" waterline on the Hillside Bridge. The proposed Supplemental Agreement provides for the additional design services.

Payment to CF&S will be on a lump sum basis of \$7,700, and will be paid by Operating Revenues.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **MAPLE AND RIDGE     INTERSECTION OF MAPLE AND RIDGE. – SUPPLEMENTAL. (DISTRICT V)**

Agenda Report No. 05-0879

The 2004 Capital Improvement Program includes funding for improving the intersection of Maple and Ridge. The Staff Screening & Selection Committee selected MKEC Engineering Consultants, Inc. (MKEC) for the design on October 22, 2003. On April 6, 2004, the City entered into an agreement with MKEC for designing the intersection for a fee of \$57,500.

The scope of services provided for dual left turn lanes at all four approaches to the intersection and the traffic signal system upgraded. MKEC has been also asked to design and prepare plans for the removal and replacement of additional pavement and storm water sewer outside the original project limits. The proposed Supplemental Agreement provides for the additional design services.

Payment to MKEC will be on a lump sum basis of \$14,400, and will be paid by is General Obligation Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **WATERFRONT ADD.     CONSTRUCTION ENGINEERING AND STAKING IN THE WATERFRONT ADDITION, NORTH OF 13TH STREET, EAST OF WEBB. – SUPPLEMENTAL. (DISTRICT II)**

Agenda Report No. 05-0880

The City Council approved the storm water drainage improvements in The Waterfront Addition on March 22, 2005. On April 19, 2005 the City approved an Agreement with MKEC Engineering Consultants, P.A. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and staking for this project.

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Payment to MKEC will be on a lump sum basis of \$25,800 and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **AIR QUALITY PROG. RENEWAL OF AIR QUALITY PROGRAM GRANTS.**

Agenda Report No. 05-0881

Since 1972 the City has received grant funding from the Environmental Protection Agency to operate the local air quality program. Additional funding from the Kansas Department of Health and Environment has been provided since 1994. Program objectives include inspection of air pollution sources, air monitoring for specified pollutants and toxic compounds, indoor air investigations, complaint investigations, and educational activities.

Three separate grants allow the Department of Environmental Services to provide comprehensive air quality services that address public health and environmental protection issues throughout the county. This Federal and State support allows a level of service that would be difficult to provide utilizing only local funding. The local program has been in existence for thirty-three years, and the department has maintained good working relationships with EPA & KDHE staff during this time. Continued cooperation is essential in dealing with the air quality issues inherent in a growing urban region such as the Wichita metropolitan area.

Four staff positions are supported through the grants.

- The EPA Section 103 grant amount for FY 2006 will be \$58,339. This grant does not require local matching funds.
- The EPA Section 105 grant amount for FY 2006 will be \$90,564. Use of support staff time, office space and utilities are provided by the City of Wichita as a required 40% local match.
- The KDHE grant amount for FY 2006 will be \$151,479. This grant does not require local matching funds.

The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the renewal of the grants be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **TALKING BOOKS BLIND AND PHYSICALLY HANDICAPPED, TALKING BOOKS CONTRACT.**

Agenda Report No. 05-0882

The Wichita Public Library is one of five agencies that deliver library service to blind and physically handicapped residents of Kansas through contracts with the Kansas State Library. The Wichita site delivers service to eligible customers from all of Sedgwick County and fifteen counties in Southeast Kansas. Although Wichita's participation as a contracting agency has been in place for many years, annual contracts renewing the relationship with the State Library are required because federal funds are included in the contract payment.

Wichita's ability to house a sub-regional library for the blind and physically handicapped allows the Library to enhance service to customers with special needs. While most users of this service must rely on toll-free phone and mail access to the library service, Wichita's customers have the added benefit of receiving walk-in service from Wichita's Central branch library. Senior centers, retirement and nursing homes, special education centers and other agencies also benefit from having sub-regional staff locally available to promote and/or present training about this program. The program budget was reviewed and approved by the Library Board of Directors during its September 20, 2005 meeting.



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The grant includes a base payment with supplemental funds divided by the share of the statewide service delivery. No local match is required. The Wichita contract for the 2005-2006 year will be \$114,737, an increase of less than 1% from the previous year. Through staffing realignments, the Library proposes a budget for the contract year that no longer requires subsidies from other department grant funds.

The contract has been reviewed and approved by Law Department staff.

Motion--  
--carried

Mayans moved that the 2005-2006 Talking Books Service contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

## DESIGN SERVICE

### **DESIGN SERVICES AGREEMENT: BRENTWOOD SOUTH ADDITION, EAST OF WEBB, NORTH OF PAWNEE. (DISTRICT II)**

Agenda Report No. 05-0883

The City Council approved the water distribution system, sanitary sewer and paving improvements in Brentwood South Addition on September 13, 2005.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond-financed improvements consisting of water, sanitary sewer and paving in Brentwood South Addition. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$36,450, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## CHANGE ORDER

### **RIVER CORRIDOR IMPROVEMENTS. (DISTRICT VI)**

Agenda Report No. 05-0884

On April 5, 2005, the City Council approved a construction contract with Dondlinger and Sons for River Corridor improvements. A part of the project is putting 90 augured concrete piles into the ground to support The Keeper of the Plains Plaza. Actual in place testing has determined that the piles need to be extended deeper into the underlying clay layer to provide adequate support.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$10,566 with the total paid by General Obligation Bonds. The original contract amount is \$20,595,000. This Change Order plus previous change orders represents .05% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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**PROPERTY ACQUIS. PART OF 6000 EAST CENTRAL FOR CENTRAL, OLIVER TO WOODLAWN.**  
**(DISTRICTS I AND II)**

Agenda Report No. 05-0885

On November 4, 2003 City Council approved a project to improve Central, between Oliver and Woodlawn. The improvement plans call for partial acquisitions of seven parcels. One acquisition at 6000 East Central requires a 1,351.8 square foot strip take of land. The property is operated by the owner and situated on a 43,560 square foot site.

The property owner has agreed to accept \$16,475. \$12,500 for the acquisition of a permanent easement and \$3,975 for the cost to reset store-advertising sign. The building improvements will not be impacted by this acquisition.

The funding source for the City share of the project is General Obligation Bonds with Federal monies. A budget of \$16,800 is requested. This includes \$16,475 for the acquisition, and \$325 for closing costs and title insurance.

The Law Department has approved the contracts as to form.

Motion--  
--carried

Mayans moved that the Budget and Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

**PROPERTY ACQUIS. PERMANENT EASEMENTS FOR INTEGRATED LOCAL WATER SUPPLY PLAN.**

Agenda Report No. 05-0886

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. Three of the twenty-two have been secured. Six more landowners (Bontrager, Hill, Thach, Lohrenz, Smith and Hinnens) of the identified sites have agreed to provide these pipeline easements and temporary construction easements to the City of Wichita for a respective 21,035 or the equivalent to \$1,500 per acre.

A budget of \$22,235 is requested; this includes \$21,035 for acquisition and \$1,200 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

The Law Department has approved the contracts as to form.

Motion--  
--carried

Mayans moved that the Budget and the permanent easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## UNSAFE STRUC.

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE.

Agenda Report No. 05-0887

On September 12, 2005 the Board of Code Standards and Appeals (BCSA) held a hearing on the following property. This property is considered a dangerous and unsafe structure, and is being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on this structure, however, compliance has not been achieved. A pre-condemnation and formal condemnation letter was issued and the time granted has expired. No action has been taken to repair or remove this property.

Property Address  
a. 1135 North Piatt

Council District  
I

This structure has defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause it to be deemed as a dangerous and unsafe building, as required by State Statute for condemnation consideration.

Motion--

Mayans moved that the resolution to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on November 15, 2005 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

--carried

### RESOLUTION NO. 05-495

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 5, 8, 9, and 10, Mercer's Subdivision of Lot 6, Tarlton's 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas known as 1135 North Piatt may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## HEALTH DEPT.

### LEASE FOR SPACE AT HEALTH DEPARTMENT, 1900 EAST 9TH. (DISTRICT I)

Agenda Report No. 05-0888

Sedgwick County leases space from the City of Wichita at the Health Department building at 1900 East 9th Street. The County utilizes the space for personal health programs and administrative uses. The County has leased space from the City for this use since the Health Department was reorganized.

The County has vacated a portion of the space that is covered by the existing lease. New leases were drafted to reflect the actual amount of space occupied. The lease rate is \$9.66 per square foot per year. This amount equates to the City's cost to operate the building and represents a recapture of operating expenses. The lease term is three years.

The lease revenue will be credited to the Health Department budget to offset operating costs of the facility.

The Law Department has approved the lease as to form.

Motion--

Mayans moved that the Lease Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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## GRANT AWARD

### DRUG COURT ENHANCEMENT GRANT AWARD.

Agenda Report No. 05-0889

The Wichita Municipal Drug Court Program, created in 1995, was one of the first 100 established nationwide and was the first established in Kansas. The Drug Court is a deferred judgment program that provides a non-traditional, therapeutic approach to dealing with criminal offenders who are substance abusers. The judge, prosecutor, probation officer and treatment provider work as a team using a non-adversarial approach to encourage and promote substance free behavior. The components of the program include intensive treatment, regular court appearances, random drug testing, education and counseling. The primary mission of the Drug Court is to rehabilitate the participant through intensive drug and alcohol treatment with accountability and responsibility being key components of the overall program. The Drug Court Program is a successful program with a seven percent (7%) recidivism rate among its graduates. Since the year 2000, there have been 1,437 accepted on the diversion program, a 66 percent graduation rate and 160 currently in the program. Although the program is successful, there has been a significant decline in the number of applicants despite an increasing number of drug/drug related charges. The decline is due in part to: 1) The perception that Drug Court is "too hard"; and, 2) The increasing cost of treatment, an essential element of the program.

The U.S. Department of Justice, Bureau of Justice Assistance accepted grant proposals for the improvement and enhancement of drug courts. The Municipal Court applied for funds on March 22, 2005 to expand the program to offer the same resources available to Drug Court defendants to those defendants in our community who have been placed on probation. The focus of the enhanced program will be toward repeat offenders who have failed traditional adjudication and treatment. These defendants are substance abusers who continue to come back to the Municipal Court for additional "petty" crimes. Many of these defendants cannot keep a job due to their addiction; therefore, they are unable to pay for treatment. Grant funds are sought to pay treatment costs and to support on-going training for the Drug Court staff.

The grant application totaled \$335,075. The City of Wichita has been awarded \$200,000 under the FY 2005 Drug Court Discretionary Grant Program. The grant will pay probationers' treatment costs and on-going training for the Drug Court staff. The grant requires a minimum of 25 percent matching funds. The City's match will be provided by in-kind funding of \$85,075 and \$50,000 cash match with local funds already budgeted in the 2005 budget.

Motion--  
--carried

Mayans moved that the grant award be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## TITLE INSURANCE

### TITLE INSURANCE, ABSTRACT AND OTHER RELATED SERVICES-SELECTION OF VENDOR.

Agenda Report No. 05-0890

City departments require various types of title, abstract and closing services. To obtain the most qualified title company to provide this service at a cost that would be beneficial to the City, a Request for Proposal was sent to thirteen vendors. One response was received that met all requirements of the proposal.

As only one proposal was received, a selection committee was not required. The proposal received from First American was compared to the current contract, which was approved in 2002. Only minor increases were noted. First American is the current provider of title services and has performed very well. The proposal provides a fair and reasonable price for the services provided.

The contract does not obligate the City to any specific purchases or volume of purchases on title services but provides the City the ability to obtain title and closing services from a qualified, cost-effective vendor. The contract provides for various types of title, abstract, and closing services to be provided on a fixed cost per item.

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The Law Department has reviewed the contract as to form. The contract will be for one year with annual renewal options for an additional two years.

Motion--  
--carried

Mayans moved that the selection of First American to provide title insurance, abstracts and other related services be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **SENIOR MANAG. EXP EXPENSE FOR SENIOR MANAGEMENT FOR MONTH OF AUGUST 2005.**

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

## **CONDEMN. AWARD PAYMENT OF CONDEMNATION AWARD, CASE NO. 05 CV 2275-PAWNEE AND WASHINGTON INTERSECTION IMPROVEMENT PROJECT. (DISTRICT III)**

Agenda Report No. 05-0891

The City has identified the need to acquire a tract of land located at 1027 East Pawnee in connection with a project to improve the intersection of Pawnee and Washington and widen Pawnee east of Washington. Eugene Aleteanu and Francisa Aleteanu own this property. Earlier this year the City initiated eminent domain proceedings to acquire this property. On September 13, 2005, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the property to be \$97,500.00. The court awarded the three appraisers fees in the amount of \$6,000.00. Court costs are \$111.

In order for the City to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before October 13, 2005.

The costs of acquiring these properties will be paid from project funds.

The City has until October 13, 2005, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion--  
--carried

Mayans moved that the payment to the Clerk of the District Court in the amount of \$103,611.00 for acquisition of property interests condemned in Case No. 05 CV 2275 be authorized. Motion carried 7 to 0.

## **PARCEL AT 31<sup>ST</sup> ST. REPURCHASE OF PARCEL AT 31ST STREET SOUTH AND THE TURNPIKE. (DISTRICT III)**

Agenda Report No. 05-0892

On April 1, 2003, the City Council approved the sale of a tract of vacant land on 31st Street South just east of the Kansas Turnpike. After the approval, it was discovered that the parcel, while undeveloped, was officially a portion of Planeview Park. The contract approved by the City Council contained a provision that if the buyer did not initiate development within 24 months of purchase, the City could repurchase the site for the original sale price. The property was sold on October 2, 2003 for \$32,670.

To date, the buyer has not initiated development of the site. He has placed the property on the market for resale. The Park Board has approved the repurchase of the site. When acquired, the site will be reintegrated into the adjacent park ownership.

The Park Department has funds budgeted for land acquisition in 2005 in a sufficient amount to fund this sale. A budget of \$32,900 is requested, \$32,670 for the repurchase and \$230 for title work and closing.

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The Law Department has reviewed the repurchase clause in the original contract and approved the above action per the clause.

Motion--  
--carried

Mayans moved that the repurchase be authorized; the budget approved and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 20, 2005)

- a) Public Hearing and Issuance of Industrial Revenue Bonds, Ethanol Products, LLC.  
(District II)

#### ORDINANCE NO. 46-665

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$2,000,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series III, 2005 Ethanol Products, LLC) for the purpose of providing funds to acquire, construct and equip a company headquarters facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Bank of Oklahoma, N.A., Tulsa, Oklahoma, as trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Ethanol Products, LLC; approving the form of a Guaranty Agreement; and, authorizing the execution of a Bond Replacement Agreement by and between the City and Ethanol Products, LLC, as purchaser of the Bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) Economic Development Incentives Agreement for Franchise Services Company. (District II)

#### ORDINANCE NO. 46-666

An Ordinance of the City of Wichita, Kansas, authorizing a certain Economic Development Grant and prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Franchise Services Company, LLC, and the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) Greenwich Road Improvement, between 13th Street and 27th Street North. (District II)

#### ORDINANCE NO. 46-667

An Ordinance declaring Greenwich, between 13th Street North and 27th Street North (472-84274) to be main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- d) Harry Street Improvement, from K-42 Highway to Meridian. (District IV)

ORDINANCE NO. 46-668

An Ordinance declaring Harry, between K-42 Highway and Meridian (472-84001) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) ZON 2005-21 - North of 41st Street North and on the east side of Meridian. (District VI)

ORDINANCE NO. 46-669

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (ZON 2005-21)

## UNFINISHED BUSINESS

### **UNSAFE STRUC.**

### **REPAIR OR REMOVAL OF UNSAFE STRUCTURES, 1304, 1308 & 1308 ½ NORTH PIATT. (DISTRICT I)** **(CONTINUED SEPTEMBER 13, 2005)**

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No. 05-0815A.

These properties were before the Board of Code Standards and Appeals (BCSA) on July 11, 2005. No repairs had been made to the properties, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

The case was before Council for a hearing on September 13, 2005. Estate administrator, Patricia Barkus, appeared to represent the property, but was absent from the Council chamber during the hearing. Council adopted a resolution allowing ten (10) days to start, and ten (10) days to complete demolition of the structures.

The administrator is attempting to sell the property, and is requesting additional time to do so.

As of the original City Council hearing date on September 13, 2005, the properties were unsecured, and there was junk, debris and tall weeds on the premises.

Taxes: The taxes are paid, but there are special assessments for weed mowing and lot cleanup in the amount of \$1,699.66.

The owner has been notified of the date and time of this hearing.

Ms. Barkus

Ms. Barkus stated that she has had a couple of people contact her expressing interest in purchasing the properties.

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Motion--

Brewer moved that the recommendation of the Board of Code Standards and Appeals be adopted; and the Resolutions be adopted. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. 05-503

A Resolution finding that the structure/s located on Lots 41, 43, 45 and 47, on Guy, now Piatt Avenue, Eleventh Street Addition to Wichita, Sedgwick County, Kansas, known as 1304 North Piatt, is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-504

A Resolution finding that the structure/s located on Lots 41, 43, 45 and 47, on Guy, now Piatt Avenue, Eleventh Street Addition to Wichita, Sedgwick County, Kansas, known as 1308 North Piatt, is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 05-505

A Resolution finding that the structure/s located on Lots 41, 43, 45 and 47, on Guy, now Piatt Avenue, Eleventh Street Addition to Wichita, Sedgwick County, Kansas, known as 1308 1/2 North Piatt, is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton and Mayans.

## NEW BUSINESS

MAAIC

### MID-AMERICA ALL-INDIAN CENTER IMPROVEMENTS (MAAIC). (DISTRICT VI)

Chris Carrier

Public Works Director reviewed the item.

John D'Angelo

City Arts Director reported on the improvements that are needed.

Agenda Report No. 05-0893

The Mid-America All-Indian Center (MAAIC) is the only Native American organization in Wichita, which provides tourism activities, Native American cultural programs and social services to Native Americans.

The MAAIC is located at the confluence of the Big and Little Arkansas Rivers on land where the Wichita tribe camped more than one hundred years ago. The arrowhead-shaped building, located at 650 North Seneca, was a Bicentennial gift to all Indians from the people of Wichita.

Since the center opened in 1977 improvements have been minimal. Remodeling of a significant urban and cultural building requires thorough research and understanding of original materials, design concepts, and methods used in the construction of the building. Improvements need to maintain the integrity of the building for future generations of visitors while meeting today's requirements. Items to be considered as part of this project include but are not limited to security, heating/cooling/humidification systems, wall and floor treatment, kitchen upgrades, lighting, sound system and ADA upgrades.



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The project is authorized in the approved 2005-2014 Capital Improvement Program (CIP) (Project No. 435414, OCA No. 792482) at \$150,000 in 2006 and \$450,000 in 2007 for a total of \$600,000. The funding source is General Obligation bonds.

The Law Department has approved the Resolution as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

--carried

Fearey moved that the Resolution be adopted; the project approved; staff authorized to select a consultant and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 05-501

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas; setting forth the general nature and the estimated cost of such improvements; and authorizing the issuance of bonds of the City of Wichita, Kansas, to pay all or a portion of the cost thereof, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

### (ITEM 21 SHOWN IN AGENDA ORDER)

#### SERIES 2005C

#### WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2005C.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 05-0894

The City is offering for sale one series of Water and Sewer Utility Revenue Bonds (Series 2005C) totaling \$46,975,000 for the purpose of providing permanent financing for capital improvement projects of the Utility.

The estimated principal amount for the bonds is based on an amount necessary to reimburse prior cash reserve expenditures. The debt is structured in such a way that it allows for inter-generational equity by spreading a portion of the costs out to a slightly longer term (25 years) than the typical 20-year utility debt term.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the IT/IS Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 2005C Bonds will mature serially over twenty-five years and will be paid from revenues collected by the Utility. The Series 2005C Bonds will be callable in 2015 with a 1% call premium, in accordance with the City's debt management policy.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances and Resolutions, which have been prepared by Bond Counsel.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

--carried

Mayans moved that the opening and reading of the bids be directed; the sale of the Bonds awarded; and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond Ordinance on the date of its introduction, adopt the Bond Ordinance and Resolution and authorize the publication thereof be founded. Motion carried 6 to 0, (Fearey absent).

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## RESOLUTION NO. 05-502

A Resolution of the City of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering, repairing, improving, extending or enlarging of the Municipal Water and Sewer Utility; authorizing and providing for the sale and issuance of \$46,975,000 aggregate principal amount of Water and Sewer Utility Revenue Bonds, Series 2005C, of the City of Wichita, Kansas, for the purpose of paying the costs thereof; prescribing the form and details of the bonds; providing for the collection, segregation and application of the revenues of the utility for the purposes authorized by law, and making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## ORDINANCE NO. 46-670

An Ordinance of the City of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering, repairing, improving, extending or enlarging of the municipal water and sewer utility; authorizing and providing for the issuance of \$46,975,000 aggregate principal amount of Water and Sewer Utility Revenue Bonds, Series 2005C, of the City of Wichita, Kansas, for the purpose of paying the costs thereof; making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## **PLANNING AGENDA**

Motion--carried

Mayans moved to approve the consent planning items. Motion carried 7 to 0.

**VAC2004-00059**

**VAC2004-00059-REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT DEDICATED BY SEPARATE INSTRUMENT, GENERALLY LOCATED NORTH OF 21ST STREET NORTH ON THE EAST SIDE OF RIDGE ROAD. (DISTRICT V)**

Agenda Report No. 05-0895

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant proposes vacation of the greater portion of the 20-foot utility easement dedicated by separate instrument (Film 1912, Page 2598), located along the south property line of Lot 1, The Lake Ridge Commercial Second Addition. This Addition was recorded with the Register of Deeds on December 5, 1994. There is a sewer line and a manhole in the eastern portion of the platted utility easement, and Public Works is requiring that portion of the easement be retained. A water line did run inside the length of the easement. The applicant was required to move the water line per City Standards. Westar had equipment located in the easement. Westars has approved the relocation of their equipment.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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**SUB2005-29**

**SUB2005-29-PLAT OF NEWMAN UNIVERSITY SECOND ADDITION, LOCATED ON THE SOUTH SIDE OF KELLOGG AND WEST OF MERIDIAN. (DISTRICT IV)**

Agenda Report No. 05-0896

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of four lots on 15.22 acres, is a replat of a portion of Crystal Addition, Martinson's Fifth Addition and College Green Addition. The site is located within Wichita's city limits and is zoned SF-5, Single-family Residential District, GO, General Office District and B, Multi-family Residential District.

Municipal water is available to serve the site. A Petition, 100 percent, and a Certificate of Petition were submitted for the extension of a sanitary sewer. A Restrictive Covenant was submitted to provide ownership and maintenance of the reserves being platted for drainage purposes. Due to the proposed realignment of McCormick, a Temporary Street Right-of-Way Dedication was submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petition, Restrictive Covenant and Temporary Street Right-of-Way Dedication will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents be approved; the necessary signatures authorized and the Resolution adopted. Motion carried 7 to 0.

**RESOLUTION NO. 05-496**

Resolution of findings of advisability and Resolution authorizing construction of Lateral 169, Sanitary Sewer No. 22 (south of Kellogg, west of Meridian) 468-84085, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

**SUB2005-79**

**SUB2005-79-PLAT OF FAIRMONT FOURTH ADDITION, LOCATED NORTH OF 21ST STREET, NORTH AND WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 05-0897

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of three lots on .66 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District.

Petitions, all 100 percent, and a Certificate of Petitions were submitted for sewer, water, paving and drainage improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

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## RESOLUTION NO. 05-497

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89661 (north of 21<sup>st</sup> Street, west of 127<sup>th</sup> Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-498

Resolution of findings of advisability and resolution authorizing constructing pavement on Mainsgate from the south line of Lot 7, Block C, The Fairmont, north and east to the west line of Eagle, and on Eagle from the north line of Lot 11, Block G, The Fairmont, north to the south line of Mainsgate and Mainsgate Ct. from the north line of Mainsgate, north to and including the cul-de-sac and that sidewalk be constructed along one side of Mainsgate, and Eagle (north of 21<sup>st</sup> Street, west of 127<sup>th</sup> Street East) 472-83485 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## RESOLUTION NO. 05-499

Resolution of findings of advisability and Resolution authorizing constructing pavement on Mainsgate from the west line of Eagle, east to the east line of the plat, on Woodridge from the north line of Lot 4, Block G, north to the south line of Mainsgate, and on Woodridge, from the north line of Mainsgate, north to the north line of the Plat and on Davin Circle from the north line of Lot 9, Block H, north to and including the cul-de-sac, including the emergency access easement between Davin Circle and Mainsgate as shown on the face of the plat and that sidewalk be constructed along one side of Mainsgate and Woodridge (north of 21<sup>st</sup> Street, west of 127<sup>th</sup> East) 472-84246, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

CUP2002-00038

**CUP2002-00038 (DP-67 AMENDMENT #5) AND ZON2002-00055-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR AN AMENDMENT TO THE NORTHBOROUGH COMMUNITY UNIT PLAN (CUP) AND A ZONE CHANGE FROM GENERAL OFFICE AND MULTI-FAMILY RESIDENTIAL TO OFFICE WAREHOUSE. GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND EAST OF WOODLAWN. (DISTRICT II)**

Agenda Report No. 05-0898

On January 7, 2003, the City Council approved an amendment to the Northborough Community Unit Plan and a zone change from "GO" General Office and "MF-18" Multi-Family Residential to "OW" Office Warehouse for approximately 47 acres located south of 21st Street North and east of Woodlawn. Approval was subject to the condition of platting the property within one year. A second platting extension was approved by the City Council on May 10, 2005, extending the platting deadline to August 31, 2005. The letter states that the agent for the applicant has filed a plat for a public hearing, and he is proceeding with finalizing the plat. The applicant has requested an extension of time to complete platting to February 8, 2006.

Staff recommends that an extension of time to complete platting requirements be granted to February 8, 2006. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

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No legal documents are required to enact the granting of platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Mayans moved that the extension of time to complete platting to February 8, 2006 be approved. Motion carried 7 to 0.

CUP2002-00039

**CUP2002-00039 (DP-263) AND ZON2002-00057-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE WOODBOROUGH COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM SINGLE-FAMILY TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF ROCKHILL AND EAST OF WOODLAWN. (DISTRICT II)**

Agenda Report No. 05-0899

Staff Recommendation: Approve extended platting deadline of February 8, 2006.

On February 4, 2003, the City Council approved the creation of DP-263 Woodborough Commercial CUP and a zone change from "SF-5" Single-Family to "LC" Limited Commercial on approximately seven acres generally located south of Rockhill and east of Woodlawn. Approval of the request was subject to the condition of platting the property within one year. An extension of time to complete platting subsequently was granted by staff on March 4, 2004, which required the plat to be completed by May 4, 2005. Another platting extension was approved by the City Council on May 10, 2005, extending the platting deadline to August 31, 2005.

The Planning Commission approved a plat of the property on March 11, 2004. However, the conditions of platting have yet to be completed, and the extended platting deadline has lapsed.

The applicant indicates in the letter from their agent that platting the property has been delayed while negotiating with Westar regarding a utility easement and resolving issues with Traffic Engineering. Therefore, the applicant has requested an extended platting deadline of February 8, 2006. Such an extension of time to complete platting requires City Council approval.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Mayans moved that the extended platting deadline of February 8, 2006 be approved. Motion carried 7 to 0.

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CUP2003-00052

**CUP2003-00052 (DP-268) AND ZON2003-00050-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR THE HOLLAND COMMERCIAL COMMUNITY UNIT PLAN AND A ZONE CHANGE FROM SINGLE-FAMILY AND LIMITED COMMERCIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED NORTH OF KELLOGG AND WEST OF TYLER. (DISTRICT V)**

Agenda Report No. 05-0900

Staff Recommendation: Approve extended platting deadline of February 8, 2006.

On December 16, 2003, the City Council approved the creation of DP-268 Holland Commercial CUP and a zone change from "SF-5" Single-Family and "LC" Limited Commercial to "GC" General Commercial on approximately 12 acres generally located north of Kellogg and west of Tyler. Approval of the request was subject to the condition of platting the property within one year. A plat of the property was submitted, but the applicant prior to any hearings on the request requested deferral of any action on the plat. The applicant indicates in a letter from their agent that platting the property has been delayed while resolving traffic study issues with Traffic Engineering and other interested parties. Therefore, the applicant has requested an extended platting deadline of February 8, 2006. Such an extension of time to complete platting requires City Council approval.

Staff recommends that an extension of time to complete platting requirements be granted. The City Council may deny the request for an extension of time to complete platting; however, denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--  
--carried

Mayans moved that the extended platting deadline of February 8, 2005 be approved. Motion carried 7 to 0.

BELMONT ARCHES

**CONSIDER A RESOLUTION TO AUTHORIZE THE SUPPORT FOR AND FILING OF 2008 TRANSPORTATION ENHANCEMENT PROGRAM APPLICATIONS TO THE KANSAS DEPARTMENT OF TRANSPORTATION IN SUPPORT OF THE PROPOSED REPAIR OF THE BELMONT ARCHES. (DISTRICT II)**

Agenda Report No. 05-0901

Transportation Enhancement is a funding category of the federal transportation program (TEA-21). The Kansas Department of Transportation (KDOT) will receive application for Enhancement projects from cities and counties throughout Kansas and select those projects that meet KDOT's funding eligibility criteria. The three categories under enhancement are: 1) historic preservation of transportation structures 2) scenic and environmental and 3) pedestrian and bicycle facilities. Kansas' share for these three Enhancement categories is typically about \$8-10 million, but the exact allocation for fiscal year 2008 projects has not been released at this time. Applications sponsored by the City of Wichita will compete for these funds with other statewide projects. Only tax levying entities can sponsor applications; however, private funds may be used as local match. KDOT will announce the awards in the spring of 2006.

The Belmont Place Homeowner Association has been actively pursuing means of financing the restoration of the Belmont Arches located at Central and Belmont and at Douglas and Belmont. The College Hill Neighborhood Association has also been supportive of this effort. The preservation of the Belmont Arches is consistent with adopted neighborhood plans and will be submitted to KDOT for Transportation Enhancement funding consideration. The Belmont Place Homeowner Association has coordinated this project with Council member Schlapp.

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On October 7, 2005, the Belmont Arches project application will be submitted to the Wichita Area Metropolitan Planning Organization (WAMPO) for review to ensure that the project is compliant with WAMPO's long-range transportation plan. In addition, a resolution of support and commitment must be approved by the Wichita City Council as a required component of the application. Upon City Council approval and completion of WAMPO's review, the City of Wichita will submit this application to KDOT for transportation enhancement funding consideration. The deadline to submit applications to KDOT is November 7, 2005.

KDOT requires a minimum 20 percent local match. The total construction and engineering cost of the proposed Belmont Arches project is \$160,000. The City of Wichita needs to contribute a total of \$32,000 in local match, which is 20% of the total construction and engineering project cost. The City of Wichita Capital Improvement Program (CIP) FY 2008 set aside \$32,000 specifically for the proposed Belmont Arches project.

The City of Wichita Capital Improvement Program (CIP) allocates \$400,000 each year in the CIP to support Transportation Enhancement projects.

All projects must be approved by the Wichita Area Metropolitan Planning Organization (WAMPO) for conformity with long-range transportation plans. The Wichita City Council must also approve the filing of the application through a resolution that also states that the City accepts responsibility for coordination of these projects and is committed to funding 20% of the total project cost as a local match contribution.

Motion--  
--carried

Mayans moved that the resolution of support and authorization for application submittal to the KDOT be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 05-500

A Resolution of the City of Wichita, Kansas, to approve the filing of applications to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21<sup>st</sup> Century and authorizing the Mayor to sign the applications, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## HOUSING AGENDA

### ANNUAL AGENCY

### PUBLIC HEARING-FIVE-YEAR AND YEAR 2006 ANNUAL AGENCY PLANS.

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 05-0904

On October 21, 1998, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) were signed into law as part of the FY 1999 Appropriations Bill. One provision of the Act is the mandate for public housing authorities to prepare a five-year plan showing the needs and goals for that period and a more detailed annual operating plan. The annual plan must include, among other things, information on the housing needs of the locality, population served, method of rent determination, operation policies and procedures, capital improvements, unmet housing needs of families with income less than 30 percent of median income, homeownership efforts and efforts to coordinate programs and other items.

Section 511 of the QHWRA requires the board of directors of housing authorities to conduct a public hearing to discuss the housing authority plans and to invite public comment regarding the plans. In the event that the Housing Authority Board receives public comment, written or oral, which is deemed significant enough to amend the plans, the Housing Authority Board may amend the plans and certify the plans as amended. After the Housing Authority Board has considered comments submitted at the

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hearing and approve the WHA Five-Year and Year 2006 Annual Plans, subject to any amendments, the WHA staff will transmit the policies and programs via an electronic template for submission.

The certification of the Five-Year and Year 2006 Annual Plans will bring the WHA into compliance with the Quality Housing and Work Responsibility Act of 1998.

The 2006 Capital Fund Budget request is a part of the 2006 Annual Plan and represents the submission approval of the Wichita Housing Authority's Governing Board.

Motion--

Inafay Grays-McClellan moved that a Public Hearing be conducted; the Resolution adopted and the necessary signatures relative to required certifications for the submission of the Wichita Housing Authority Five-Year and Year 2006 Annual Agency Plans authorized. Motion carried 8 to 0.

--carried

## RESOLUTION NO. H05-06

A Resolution authorizing a public hearing regarding five-year and year 2006 annual agency plans, presented. Inafay Grays-McClellan moved that the Resolution be adopted. Motion carried 8 to 0. Inafay Grays-McClellan, Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## AIRPORT AGENDA

Motion--carried

Mayans moved to approve the consent airport items. Motion carried 7 to 0.

## AIRFIELD PAVMNT

### AIRFIELD PAVEMENT-CONSTRUCTION OF TAXIWAY "L", "L-1" COMPASS PAD AND APRON, EXTENSIONS OF TAXIWAY "H" AND "H-1" SUPPLEMENTAL AGREEMENT NO. 2.

Agenda Report No. 05-0902

On July 12, 2005 the Wichita Airport Authority approved combining the Taxiway "L" and Taxiway "H" projects. A grant application and receipt of funds from the Federal Aviation Administration (FAA) was also approved at that time.

During construction, resident engineering and construction-related services are necessary in order to comply with Federal requirements. A supplemental agreement has been prepared to authorize the necessary construction-related services as well as additional design services.

The cost of the construction-related services and additional design is \$660,453.71 and will be funded with an FAA grant, Passenger Facility Charges and Airport Revenue. The budget will need to be increased by \$100,000, and funds are identified in the approved Capital Improvement Program.

The agreement has been approved by the Law Department and has been submitted to the Federal Aviation Administration for approval. The Law Department has also approved the Authorizing Resolution as to legal form.

Motion--

Mayans moved that the supplemental agreement be approved; the resolution adopted; the budget adjustment approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried



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## **TENANT IMPROV.      TENANT IMPROVEMENTS-SECURITY GATE "E" CHANGE ORDER 1.**

Agenda Report No. 05-0903

On November 16, 2004 the Wichita Airport Authority approved a project for site preparations and improvements for tenant development.

A final change order has been prepared to allow for adjustment of quantities and work that occurred during construction.

The change order of \$702 is within the approved budget and will be funded with General Obligation bonds paid for with Airport revenue and recovered through land rent. Total change orders are less than one-percent of the original contract amount.

The Law Department has approved the change order.

Motion--  
--carried

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **CITY COUNCIL**

## **BOARD APPTS.      BOARD APPOINTMENTS.**

Council Member Martz      Council Member Martz requested that Clark Sanburg be appointed to DABV.

Council Member Brewer      Council Member Brewer requested that Courtney Ruthven be appoint to the Art Council.

Motion--carried      Mayans moved that the appointments be made. Motion carried 7 to 0.

Mayor Mayans      Mayor Mayans stated that the Council would go to the workshop and return to the Council Chambers at the appropriate time of 10:45 a.m. or after to vote on item 21, Water and Sewer Utility Revenue Bonds, Series 2005C.

## **RECESS**

Motion--  
--carried      Mayans moved to recess into workshop and return to the Council Chambers after the workshop to take up item 21 and then to adjourn the regular Council Meeting. Motion carried 7 to 0.

**RECONVENE**      The Council reconvened in the City Council Chambers at 11:15 a.m. to take up item 21.

Motion--carried      Mayans moved to adjourn the meeting at 11:18 a.m. Motion carried 6 to 0, (Fearey absent).

**ADJOURNMENT**      The City Council meeting adjourned at 11:18 a.m.

Respectfully submitted,

Karen Sublett  
City Clerk

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\*\*\*Workshop followed in the first floor board room\*\*\*